

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION OF NAVIGATOR HEARTLAND
GREENWAY, LLC FOR A PERMIT UNDER THE SOUTH DAKOTA ENERGY
CONVERSION AND TRANSMISSION FACILITIES ACT TO CONSTRUCT THE
HEARTLAND GREENWAY PIPELINE IN SOUTH DAKOTA**

DOCKET NO. HP22-002

**Direct Testimony of Lucy Blocker
On Behalf of the Staff of the South Dakota Public Utilities Commission
May 25, 2023**

1 **Q. State your name.**

2

3 A. Lucy Blocker

4

5 **Q. State your employer.**

6

7 A. State of South Dakota

8

9 **Q. Specify the department for which you work.**

10

11 A. Department of Agriculture and Natural Resources (DANR)- Minerals, Mining, and
12 Superfund Program

13

14 **Q. Explain your role and duties within your department.**

15

16 A. I am an Environmental Scientist III with the Minerals, Mining, and Superfund
17 Program. My role is to provide technical expertise and departmental oversight
18 while enforcing the applicable state laws and rules governing oil and gas
19 exploration and production in South Dakota. A copy of my CV is attached as
20 'Exhibit_LB-1'.

21

22 My duties include serving as the department's coordinator for hazardous material
23 pipeline projects; administering the department's Underground Injection Control

24 Class II program; reviewing and evaluating applications for permit to drill oil
25 and/or gas wells; and evaluating and processing petitions to undertake oil and
26 gas processes such as spacing, pooling, and unitization, and representing the
27 department if such petitions are heard before the Board of Minerals and
28 Environment.

29

30 **Q. On whose behalf was this testimony prepared?**

31

32 A. This testimony was prepared on behalf of the Staff of the South Dakota Public
33 Utilities Commission.

34

35 **Q. Have you reviewed Navigator's Application for the portion of the Heartland
36 Greenway Pipeline ("Project") located in South Dakota?**

37

38 A. Yes, I have reviewed the portions of the Application relevant to my job duties and
39 responsibilities.

40

41 **Q. Does the Application properly identify all permits that the Project may need
42 from DANR?**

43

44 A. Yes, all applicable permits are identified.

45

46 **Q. Does your agency have jurisdiction over any aspects of the Project?**

47 **Please explain.**

48

49 A. DANR would have regulatory jurisdiction of the Heartland Navigator Pipeline
50 under the following situations:

- 51 • Temporary water use permit for construction activities, drilling, or
52 hydrostatic testing;
- 53 • Temporary discharge permit for dewatering and/or discharge of
54 hydrostatic test water;
- 55 • Construction General Permit coverage for projects disturbing one or more
56 acres in area, including laydown yard, equipment storage areas, and
57 stockpile/borrow site areas;
- 58 • In the event Heartland Navigator is named a responsible party regarding
59 the release of a regulated substance, DANR would direct and oversee the
60 cleanup of the release in accordance with state laws and rules.

61

62 **Q. Does Construction General Permit coverage require the development of a**
63 **Stormwater Pollution Prevention Plan (SWPPP)?**

64

65 A. Yes, a SWPPP is required to be developed and maintained to obtain and retain
66 coverage under the Construction General Permit. The SWPPP should be
67 developed and available to department staff for review in accordance with the
68 requirements of the General Permit Authorizing Stormwater Discharges

69 Associated with Construction Activities Under the South Dakota Surface Water
70 Discharge System.

71

72 **Q. What has been your involvement with the Project?**

73

74 A. In general, my involvement with Heartland Navigator has been to act as DANR's
75 project coordinator, facilitate communication between Heartland Navigator and
76 DANR and follow the Heartland Navigator permitting process before the South
77 Dakota Public Utilities Commission (PUC). Specifically, I organized and
78 participated in a meeting with Heartland Navigator and department Plant Industry
79 Program staff to discuss reclamation processes with respect to weed and seed
80 information on August 30, 2022.

81

82 **Q. Did Navigator reach out to DANR for comment concerning initial routing?**
83 **If so, did DANR provide any comments on the Project to Navigator?**

84

85 A. Navigator requested no comments concerning the routing of the project.

86

87 **Q. As it relates to DANR's subject matter expertise, is there any information**
88 **missing in the Application that the Commission may need for it to make its**
89 **determination? Please explain.**

90

91 A. Heartland Navigator's application addresses all areas of regulatory concern for
92 DANR.

93

94 **Q. Does this conclude your testimony?**

95

96 A. Yes.

97